

Appl. No. 10/088,496
Amendment dated: February 24, 2004
Reply to OA of: December 29, 2003

REMARKS

Applicants have amended the claims to more particularly define the invention taking into consideration the outstanding Official Action. Applicants have restricted the application to the allowable subject matter using xanthophylls to regulate Th1 and Th2 cell mediated immune responses in a patient with Crohn's disease thereby making claims 9 and 12-17 allowable. Claims 10, 11 and 18-25 have been canceled without prejudice or disclaimer. The claims now remaining in the application are claims 9 and 12-17. Applicants most respectfully submit that all the claims now present in the application are in full compliance with 35 U.S.C. §112 and are clearly patentable over the references of record.

The rejection of claims 9-12 under 35 U.S.C. 102(b) as anticipated by U.S. Patent 5,811,446 has been carefully considered but is most respectfully traversed in view of the amendments to the claims. Accordingly, it is most respectfully requested that this rejection be withdrawn.

The rejection of claims 9 and 13-17 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,811,446 in view of U.S. Patent No. 5,744,502 has been carefully considered but is most respectfully traversed in view of the amendments to the claims. Accordingly, it is most respectfully requested that this rejection be withdrawn.

In view of the above comments and further amendments to the claims, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,
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